IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

CRL.A.No. 616 of 1999()

ST.1139/1995 of JUDL. MAGISTRATE OF FIRST CLASS, PEERUMEDU

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APPELLANT/COMPLAINANT:

INSPECTOR OF PLANTATIONS,PEERMADE,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.C.SANTHOSH KUMAR

RESPONDENT/ACCUSED:

PK.SINGH,MANAGER, KOLLICHANAM ESTATE,
ELAPPARA POST.

BY

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY, J.

Criminal Appeal.No.616 OF 1999 ()

Dated this the 29th day of November, 2006

JUDGMENT

A complaint was filed by the appellant under Section 36 of the Plantation Labour Act, 1951, alleging that the employer has violated various provisions of Plantation Labour Act and Rules. It was proved before the court that constructions of drains carrying waste or sullage water and its maintenance were carried out as directed by the Inspector of Plantations. Inspector of Plantations on the visit pointed out certain defects. It is proved by the accused that those defects were cured. A second inspection was not conducted before prosecution steps were enacted. The court also found that the accused was only the Manager of the Estate and it was not proved that he has the ultimate control over the affairs of the Estate so as to prosecute and treat him as the employer as per the Plantation Labour Act. It was not proved that ultimate control was with the Manager. Trial court also found that allegations in the complaint were very vague. In any event, even though notice

was issued on 16.9.1999, no further steps were taken to serve notice in the appeal to the accused so far. On going through the findings of the trial court, it can be seen that trial court has considered the entire matter and has taken a possible view and no interference is required in the findings of the trial court. Hence this appeal is dismissed.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.Appeal.616 OF 1999

JUDGMENT

29th November, 2006